

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GERALD M. GAGICH,

2:14-CV-300 JCM (VCF)

Plaintiff(s),

V.

PENNYMAC LOAN SERVICES,
LLC., et al.,

Defendant(s).

ORDER

Presently before the court is a motion to dismiss filed by defendants PennyMac Loan Services, LLC and National Default Servicing Corporation. (Doc. # 19). Though the response deadline has passed, plaintiff Gerald Gagich has not filed an opposition.

In their motion, defendants argue that plaintiff's claims are time-barred pursuant to Nev. Rev. Stat. 107.080(5), and therefore plaintiff's complaint should be dismissed pursuant to Federal Rule of Civil Procedure 12(b)(6).

Failure to follow the local rules of a district court may constitute a proper ground for dismissal. *United States v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). “Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (internal citation

1 omitted).

2 Local Rule 7-2(d) provides that the failure of a party “to file points and authorities in
3 response to any motion shall constitute a consent to the granting of the motion.” In consideration of
4 plaintiff’s failure to file an opposition, the interest of expeditious resolution of litigation, the court’s
5 need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition
6 of cases on their merits, and the availability of less drastic sanctions, the court finds that dismissal
7 is appropriate.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants’ motion to
10 dismiss (doc. # 19) be, and the same hereby is, GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff’s complaint shall
12 be dismissed. The clerk of the court shall enter judgment accordingly and close the case.

13 DATED April 25, 2014.

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16 UNITED STATES DISTRICT JUDGE
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